IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23165 of 2004

Between:

Kanhayalal Behra, S/o. Bhushanlal Behra,
R/o. 4/1, Ashutosh Mukharjee Lane,

Post Bellur Math, Thane Balli,
Howrah District, KOLKATA, West Bengal.

..... PETITIONER

AND

1. The State of A.P., rep. by Prl. Secretary to Home,

Secretariat, Hyderabad.

2. The Commissioner of Police, Twin Cities, Hyderabad.

3. The Station House Officer, Kanchanbagh Police Station,

Hyderabad.

4. Osmania General Hospital, rep. by its Superintendent,
Afzalgunj, Hyderabad

5. The Forensic Laboratory, rep. by its Director,
Lakdikapul, Near Nilofur Hospital, Hyderabad

Respondents 4 & 5 impleaded as per court order dt. 31-12-2004

in WPMP 32229 of 2004

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus by declaring that the action of the respondents in not investigating the death of petitioner's son, late Tarapada Behra on 25.7.2004 in suspicious circumstances as absolutely illegal, arbitrary, unconstitutional and violative of Article 21 of Constitution of India and consequently direct the 2nd respondent to register a case and refer the investigation to any other suitable agency enabling them to find out the real cause of death of deceased, Tarapada Behra.

Counsel for the Petitioner: MR.PRATAP NARAYAN SANGHI

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

The son of the petitioner by name Tarapota Behra was missing from 21.07.2004. On a complaint submitted by the petitioner, the Station House Officer, Kanchanbagh registered a case in Crime No.133 of 2004. Thereafter, the missing person was found dead on 25.07.2004 under mysterious circumstances.

2. The grievance of the petitioner is that several months had elapsed, there is no progress in the investigation and he seeks necessary directions in the matter.

3. In the counter affidavit filed on behalf of the first respondent, it is stated that the further investigation in the matter could not be proceeded, on account of the delay in furnishing the postmortem report. It is stated that the postmortem report has since been received, the investigation would be proceeded with.

4. Heard learned counsel for the petitioner and learned Government Pleader for Home.

5. Initially, the case was registered as one relating to the missing of a person. Thereafter, it emerged that the son of the petitioner died. From the record placed before this Court, it is evident that the further investigation in the matter could not be proceeded with, on account of non-availability of postmortem report. The respondents have placed before this Court a copy of the postmortem report dated 22.01.2005 received by them from the concerned Forensic Science Laboratory.

6. In that view of the matter, it cannot be said that there is any deliberate inaction on the part of the respondents in not proceeding with the investigation. Now that the postmortem report is available, further steps need to be taken by the respondents.

7. In the result, the writ petition is disposed of directing the respondents to take further steps in the matter and complete the investigation as early as possible. No costs.

L.NARASIMHA REDDY,J

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To

1. The Prl.Secretary to Home, The State of A.P.,

Secretariat, Hyderabad.
2. The Commissioner of Police, Twin Cities, Hyderabad.
3. The State house Officer, Kanchanbagh Police Station,

Hyderabad.
4. The Superintendent, Osmania General Hospital,
   Afzalgunj, Hyderabad
5. The Director, The Forensic Laboratory,
   Lakdikapul, Near Nilofur Hospital, Hyderabad
6. 2 CCs to GP for Home, High Court Buildings, Hyderabad (OUT)

7. 2 CDs